"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 262] रायपुर, शुक्रवार, दिनांक 1 जुलाई 2016— आषाढ़ 10, शक 1938

CHHATTISGARH STATE ELECTION COMMISSION
Near Dau Kalyan Singh Bhawan (Old Mantralaya), Raipur

The Election Expenses (Constitution of Media Certification and Monitoring Committee and Regulation of Paid News) Order 2014

Raipur, the 11th December 2014

ORDER

No. F-54-9/Three-(Two)/N. P./2014/2399. — WHEREAS free fair election is a paramount necessity in a representative democracy because no election can be free in the shadow of money and muscles power;

WHEREAS the superintendence, direction and control of all elections to Municipalities in the State of Chhattisgarh are vested in the State Election Commission by the Constitution of India;

AND, WHEREAS, section 14-A of the Chhattisgarh Municipal Corporation Act, 1956 (No. 23 of 1956) and section 32-A of the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961) cast an obligation on every candidate at an election of Mayor of a Municipal Corporation or President of a Municipal Council or a Nagar Panchayat, as the case may be, to keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent with such particulars as may be prescribed by the State Election Commission;

AND, WHEREAS, section 14-B of the Chhattisgarh Municipal Coporation Act, 1956 (No. 23 of 1956) and section 32-B of the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961) cast another obligation on every contesting candidate at an election of Mayor of a Municipal Corporation or President of a Municipal Council or a Nagar Panchayat, as the case may be, to lodge within thirty days from the date of election, with the officer notified by the State Election Commission an account of his election expenses;

AND, WHEREAS, the State Election Commission is deeply aware of the pernicious role of money power in elections and deems it necessary and expedient to curb it, in interalia, by ensuring that the account of election is reflective of the actual expenditure;

AND, WHEREAS, the election expenses (maintenance and lodging of account) order; 2012 has been issued by the State Election Commission in connection with maintenance and lodging of election expenses in municipal elections;

NOW, THEREFORE, in exercise of its power conferred by section 14-A of the Chhattisgarh Municipal Corporation Act, 1956 (No. 23 of 1956) and section 32-A of Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961) read with Article 243-ZA of the Constitution of India and all other powers enabling it in this behalf, in order to make the provisions of the Constitution of the India and the said acts more effective, the State Election Commission, hereby makes the following order :

1. **Short title, extent, application and commencement**

(1) This order may be called the Election Expenses (Constitution of Media Certification and Monitoring Committee and Regulation of Paid News) order 2014.

(2) It extends to the whole of Chhattisgarh State.

(3) It comes into the force on the date of publication of its Hindi version in the Chhattisgarh Gazette.

2. **Definition and Interpretation**- In this order, unless the context otherwise requires -

(a) 'Candidate' means a person who has been duly nominated as a candidate at an election to the office of Mayor of a Municipal Corporation or President of a Municipal Council or a Nagar Panchayat;

(b) 'Paragraph' means paragraph of this order;

(c) 'Election' means an election to the office of Mayor of a Municipal Corporation or President of a Municipal Council or Nagar Panchayat;

(d) 'Contesting candidate' means a person who has been duly nominated as a candidate at an election to the office of Mayor of a Municipal Corporation or President of a Municipal Council or Nagar Panchayat, and who has not wihdrawn his candidature within the period specified in the election rules;

(e) 'Election expenses' means any expenditure incurred or authorized by a candidate or his election agent in connection with election during the period between the dates on which he has been nominates and the date on which result thereof has been declared (both days inclusive);

(f) 'Media Certification and Monitoring Committee (MCMC)' means the committee constitution under paragraph 3 or 4;

(g) 'Paid News' means any News or analysis appearing in any media (Print or Electronic) for a price in cash or kind as consideration; and

(h) The words and expressions used, which have not been defined in this order, shall carry the meaning assigned to them in the Chhattisgarh Municipal Corporation Act, 1956 (No. 23 of 1956) or the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961) or the Chhattisgarh Nagarpalika Nirvachan Niyam 1994, as the case may be.

3. **District Level Media Certification and Monitoring Committee (MCMC)**

3.1 The District level MCMC shall be formed for the election in each District with the following members :

(a) District Election Officer - Chairman

(b) Assistant Director/Deputy Director, Public Relation posted in the District - Member Secretary

(c) One journalist from a principal news papers circulating in the district, nominated by the District Election officer. - Member

3.2 The District Level MCMC shall Discharge two distinct functions, namely:

(1) Deciding after consideration on advertisement for certification of advertisement; and

(2) Examining complaints/issues of Paid News, etc. through a monitoring arrangement.

3.3 MCMC shall scan all media, e. g. news papers, print media, electronic media, cable network, internet, mobile network, etc. for the matters mentioned hereunder:

(a) On arriving at a conclusion after enquiry that a case pertains to the class of Paid News, it shall intimate the Returning Officer for issue of notices to candidates for inclusion of actual expenditure on the published matter in their election expenses account irrespective of whether the candidates actually have paid or not such amount to the channel/Newspaper. The Returning Officer concerned after giving a reasonable opportunity of hearing to the candidate concerned issue order to him for inclusion of the actual expenditure in his election expenditure account. A copy of the notice in respect of suspected cases of Paid news shall be marked to the Expenditure Observer. It shall also actively consider Paid News cases inferred to it by the Expenditure Observer.

b. Monitoring of political advertisements in electronic media for checking if the telecast/broadcast has been done only after certification by the committee.

c. Monitoring of political advertisement in other media, in relation to the candidates (this will also include appeal or advertisement or publicity by others, elither overtly or covertly to impact candidates' electoral prospects).

d. MCMC shall check if the advertisements are issued with the authority of the concerned candidate; in which case it will be accounted for in the election expenses of the candidate. Action may be taken for prosecution of the publisher for violation of section 171H of the Indian Panel Code.

e. MCMC shall check if the names and addresses of the publisher and the printer are printed/written on any election pamphlet, poster, hand bill and other document as required under Section under 14A of the Chhattisgarh Local Authority (Electoral Offices) Act, 1964. If any printed material does not bear on its face the name and address of the printer or the publisher, MCMC shall bring it to the notice of the Returning Officer for necessary action, For the purpose of section 14A of the Chhattisgarh Local Authority (Electoral Offices) Act, 1964, Paid News would also fall in the category of other document.

4. **Division Level MCMC**

4.1 In each division of the State there shall be a Division Level MCMC, which shall have a chairman and members as follows :

(a) Divisional Commissioner - Chairman

(b) Joint Director, Public Relation - Member Secretary

(c) One journalist of a principal news paper circulating in the division, nominated by the Commissioner. - Member

4.2 The Division level MCMC shall discharge two sets of functions, namely :

(1) Deciding on appeals against the orders/decision of the district level MCMC on certification of advertisements; and

(2) Examining all cases of appeal against the decision of district level MCMC on Paid News; and examining any case that it may take up suo motu, in which case it shall direct the concerned Returning Officer to issue notices to the candidates.

4.3 An appeal may be made against any order or decision of the District level MCMC before the Division Level MCMC within 15 days of the receipt of the order or decision of the District level MCMC.

5. **Appeal against the orders of the Division Level MCMC**

5.1 Appeal against the order or decision of the Division Level MCMC in the cases of certification of advertisement or of Paid News shall be made to the State Election Commission within 15 days of the order or decision. The Division Level MCMC can also make a reference to the Commission for obtaining advice, if it deems necessary. Whenever complaints on Paid News cases are sent to the Commission directly, the Commission shall forward such cases to the Division Level MCMC for initial Consideration.

5.2 Where the District level or Division level MCMC or State Election Commission orders or decides in any case that it is a case of Paid News, such cases shall be conveyed to the Press Council of India or any other Competent Authority for further action in relation to the Media Concerned.

6. **Power of State Election Commission to issue instructions and directions-**The State Election Commission may issue appropriate instructions or directions-

(a) For the clarification of any provision of this Order;

(b) For the removal of any difficulty which may arise in relations to the implementation of any provision; and

(c) For any special situation for which, there is no provision in this order, or the existing provisions in this order are insufficient and in the opinion of the State Election Commission, it is necessary to issue such instructions or directions.

Sd/-
(P. C. Dalei)
State Election Commissioner.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2016 .